

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW MEXICO

3 SARAH MONTOYA, o/b/o
4 L.M., a minor child,
5 Plaintiff,

6 vs. Case No. 1:21-CV-00648 KWR/JFR

7 RIO RANCHO PUBLIC SCHOOLS,
8 BOARD OF EDUCATION and
9 GEORGE ARCHULETA in his
individual capacity,

10 Defendants.

11 *****

12 ZOOM DEPOSITION OF LAIUS MARTINEZ

July 20, 2022

9:03 a.m.

13 500 Fourth St. NW, Suite 105
14 Albuquerque, New Mexico 87102

15
16 PURSUANT TO THE FEDERAL RULES OF CIVIL
17 PROCEDURE, this deposition was:

18
19 TAKEN BY: Mr. Jerry A. Walz
ATTORNEY FOR RRPS DEFENDANTS

20
21 REPORTED BY: Annette G. Aragon, NM CR #197
Paul Baca Professional Court Reporters
22 500 Fourth Street NW, Suite 105
23 Albuquerque, New Mexico 87102

24
25 EXHIBIT O

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1 A. Never.

2 Q. And you had actually had ditched most of the

3 sophomore year. Right?

4 A. I believe most of it, yeah. Honestly, yeah.

5 I think you can look at my attendance even and it just -- 01:25:55

6 day by day almost.

7 Q. So basically from what I'm hearing, the last

8 year that you actually attended high school where you

9 went to class most of the time was your freshman year.

10 Right? 01:26:21

11 A. Yeah, freshman year.

12 Q. So when then did you discuss with Daniel

13 Mondragon about these issues with George Archuleta

14 relating to the way he --

15 A. That was -- that was during sophomore year 01:26:41

16 when I would -- like, when I would go to school.

17 Q. Did George Archuleta search you at all

18 during your sophomore year?

19 A. I don't think George attended Cleveland

20 sophomore year. 01:26:55

21 Q. That's right. And thank you for refreshing

22 my memory on that.

23 A. Okay.

24 Q. So I'm just trying to limit the time frame.

25 And, again, Mr. Quinones will have follow-up on that, 01:27:03

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1 but -- so when we're talking about your claims for search

2 and seizure issues, and the only named defendant that's

3 named here is Mr. Archuleta in that regard --

4 A. Yeah.

5 Q. -- was your freshman year? 01:27:22

6 A. Freshman year.

7 Q. And you're not bringing any assertions

8 against any other security guard for your freshman year,

9 are you?

10 A. No other security guard touched me like 01:27:34

11 that.

12 Q. Okay.

13 A. I don't even think a security guard even

14 patted me down, ever, besides George.

15 Q. All right. Now, this helps focus the 01:28:11

16 conversation a bit. To the best of your recollection,

17 Laius, how many times, then, that you can recall that

18 George Archuleta searched you your freshman year?

19 A. I want to say three times. I -- like, what

20 I remember, three times. But it could have been more, to 01:28:31

21 be honest.

22 Q. Could it have been less?

23 A. No. There's no way.

24 Q. And now I'm trying to refine and narrow the

25 scope a little bit. In these three times -- or could 01:28:50

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1 have been more -- you cannot give me the name of any

2 neutral witness who saw these searches take place.

3 Correct?

4 A. I believe I -- I know for a fact that the

5 principal was there and then a separate security guard as 01:29:08

6 well.

7 Q. On how many of these searches?

8 A. All of them. I believe all of them.

9 Q. And which principal was that? We've talked

10 about several of them. 01:29:21

11 A. Yeah. I want to say the assistant

12 principal.

13 Q. Galindo or Baca?

14 A. Galindo.

15 Q. Okay. Did you make any protest or complaint 01:29:43

16 at the time of these searches by Mr. Archuleta to either

17 Mr. Galindo or Baca that you felt that Mr. Archuleta's

18 conduct was inappropriate?

19 A. I remember one time I was getting searched

20 and, like, I -- right as he felt me, I was, like, "Whoa," 01:30:06

21 and I took a step back. And that's -- that, yeah. I

22 guess that's me kind of protesting about it. Right?

23 Q. Maybe. But did you -- go ahead. I didn't

24 mean to interrupt. What else were you going to say?

25 A. That's it. Yeah. I remember just stepping 01:30:24

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1 back and saying, "Whoa" because I had my hands up. I

2 remember stepping back and being, like, "Whoa."

3 And he's just, like, "Yeah, yeah."

4 Q. Do you ever recall, Laius, telling the

5 assistant principal, "This man just touched my penis" or 01:30:41

6 "fondled my testicles"?

7 A. I don't -- no, I don't recall saying that.

8 I know I said that -- I know I said, like, "Whoa, dude,"

9 in front of the principal when George was searching me,

10 but that's about it. 01:31:05

11 Q. Sure. And sometimes people just don't like

12 to be searched. Do you agree with that?

13 A. Yeah. I -- I don't think anyone likes to be

14 searched.

15 Q. I know I don't, except for at the airport. 01:31:13

16 Right? But -- but -- yeah. I mean, sure, I understand

17 that.

18 But just saying, "Whoa, dude," unless a man,

19 you know, has x-ray vision or something, how would he

20 know what you're talking about, the assistant principal? 01:31:30

21 A. I -- I didn't even -- I didn't say that he

22 was -- I was trying to tell the principal anything.

23 Q. Okay.

24 A. Like, that wasn't me; that was trying to

25 tell, like, George, "What's up" -- 01:31:43

15 (Pages 54 to 57)

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1 **Q. Sure.**
 2 A. -- "What are you doing?"
 3 **Q. So the, "Whoa, dude" comment was directed to**
 4 **George, right, not to the assistant principal?**
 5 A. Oh, yeah. Yeah. For sure. 01:31:50
 6 **Q. Okay. And I asked you earlier if you had**
 7 **any criticism about the administrators or the vice**
 8 **principals and you said no. Is that still true?**
 9 A. Yeah, because they weren't aware that that
 10 was happening. So, I mean, I'm sure if they were aware, 01:32:04
 11 they would have stepped up and -- or maybe not. I don't
 12 know.
 13 **Q. Okay. Well, I hope we all can agree that,**
 14 **you know, your privates should not have been touched if**
 15 **that in fact -- that's your allegation of course, but -- 01:32:16**
 16 A. For sure not.
 17 **Q. Sure. But -- all right. So did these**
 18 **searches happen more towards the beginning of the year**
 19 **your freshman year, during the middle, or towards the**
 20 **end? Or were they interspersed throughout the freshman 01:32:39**
 21 **year?**
 22 A. I think it was, like, interspersed between,
 23 like, the whole -- my whole year. But I want to say near
 24 the end, it kind of just -- I kind of stayed away from
 25 him as much I could and tried to not be in so much 01:32:50

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1 trouble so I don't have to deal with that.
 2 **Q. Okay. And that goes back to some earlier**
 3 **questions, Laius. What were you getting in trouble for?**
 4 A. Just talking out of place or stuff like
 5 that; being late to class, like, just little stuff. I 01:33:05
 6 guess that's not little, even, but just stuff like that.
 7 **Q. And, in fact, you were doing those things.**
 8 **Right? You were talking out of place?**
 9 A. Yeah. Yeah, I was. But I don't think a
 10 punishment should be my privates being touched. 01:33:20
 11 **Q. Well, you know, I know that's the allegation**
 12 **you're making. And you did receive some type of**
 13 **disciplinary action, what we would perceive as being**
 14 **normal disciplinary action, though, too. Including what?**
 15 **Suspensions or -- 01:33:42**
 16 A. I think, like, in-school suspension, yeah.
 17 In-school suspension. Out-of-school suspension, even, a
 18 couple of times.
 19 **Q. Okay. Do you think the actual suspensions**
 20 **were, in your opinion, in line with the conduct that you 01:33:51**
 21 **had committed?**
 22 A. Yeah. I think that that kind of makes me,
 23 like -- it makes me not want to do it again; so I think
 24 they're good punishments.
 25 **Q. You understand that Mr. Archuleta has denied 01:34:09**

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1 **that he touched your genitals. Do you understand that?**
 2 A. I haven't heard any of that, no.
 3 **Q. Okay.**
 4 A. But I'm sure he did.
 5 **Q. So let me ask you this: Based on your 01:34:25**
 6 **memory, when he -- you say he touched your genitals, was**
 7 **it over the clothing or under the clothing?**
 8 A. Under the clothing. So in my --
 9 **Q. Under?**
 10 A. -- in my pockets. 01:34:38
 11 **Q. Oh, okay.**
 12 A. So I don't know if that's over or under, but
 13 it's kind of under, in a way. Yeah.
 14 **Q. Okay. Let's break it down. I take it,**
 15 **in -- he put his hand in your pants pocket. There's 01:34:49**
 16 **still a layer of clothing --**
 17 A. Okay. I guess then -- I guess then under.
 18 But, yeah. So I guess then over. Over.
 19 **Q. Okay.**
 20 A. Like, he was in my pockets. 01:34:59
 21 **Q. Not skin to skin?**
 22 A. Not skin to skin, no.
 23 **Q. Okay.**
 24 A. Never. Thankfully.
 25 **Q. And when you said, "whoa, dude" that you 01:35:17**

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1 **articulated, what did Mr. Archuleta do in response?**
 2 A. I just remember him, like -- I don't
 3 remember exactly what he said, but he made a remark back.
 4 And, like, he has, like, this giggle tone. Like, it's
 5 definitely, like -- it's, like, a OC kind of, like -- I 01:35:32
 6 don't know.
 7 But I remember him responding and saying,
 8 like, "Oh, yeah. Whatever." Something, like --
 9 something within the lines of that.
 10 **Q. I take it you -- you've been on commercial 01:35:59**
 11 **flights the last few years, or not?**
 12 A. Flights, like, an airplane?
 13 **Q. Sure.**
 14 A. Yeah.
 15 **Q. Have you ever been patted down in an 01:36:07**
 16 **airport?**
 17 A. I think this last time I -- did I get patted
 18 down? Or I -- honestly, no. I don't -- I guess I did,
 19 yeah. I don't recall. But I'm pretty sure they pat you
 20 down. 01:36:21
 21 **Q. Do you --**
 22 A. But they don't go in your pockets. They
 23 don't go in your pockets.
 24 **Q. Well, maybe, maybe not. But do you go -- do**
 25 **you go through that machine that takes a body image of 01:36:29**

16 (Pages 58 to 61)

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1 **you essentially without clothes?**
 2 A. Not with -- you have -- you're clothed.
 3 You're fully clothed.
 4 **Q. I know. But are you familiar -- are you**
 5 **familiar with what they're actually looking at? 01:36:38**
 6 MR. BULLION: I'll object as to foundation.
 7 A. What are they looking at? Underneath?
 8 **Q. (BY MR. WALZ) Your body.**
 9 A. Okay. Yeah.
 10 **Q. Do you feel violated? 01:36:48**
 11 A. No, not --
 12 **Q. Why not?**
 13 A. Because it's not -- it's, like, not nude. I
 14 don't know. I'm not -- I'm not being touched also. I'm
 15 not -- my, like, penis isn't being groped. You know what 01:36:56
 16 I mean? It's not -- that's nothing.
 17 **Q. Okay. So how long, according to you, did**
 18 **Mr. Archuleta actually -- you use the word "grope" --**
 19 **grope your penis during the search?**
 20 MR. BULLION: I'll object to form. And just 01:37:17
 21 to try to help things along, he mentioned three separate
 22 searches. And I would just -- it may be helpful to go
 23 through them one at a time rather than talking about "how
 24 long were you groped" and we don't know which search is
 25 being -- 01:37:39

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1 MR. WALZ: I think that's well taken,
 2 Mr. Bullion.
 3 **Q. (BY MR. WALZ) Let's talk about the three**
 4 **searches.**
 5 A. Okay. 01:37:43
 6 **Q. The first search you believe he groped your**
 7 **penis.**
 8 A. The first search, I was -- I think I was
 9 just patted down. I had shorts on. So I think he just
 10 patted me down. He didn't even feel near that area. But 01:37:51
 11 I was -- it was -- it was right out of gym class. I was
 12 actually in the locker room. But, yes, he didn't touch
 13 me then.
 14 **Q. Did not?**
 15 A. Did not. Not inappropriately, anyway. 01:38:05
 16 **Q. Okay. That's the first. Right out of the**
 17 **gym class.**
 18 **The second time, the second search?**
 19 A. The second search, I don't recall the
 20 incident at all. But I remember the search. I don't 01:38:19
 21 know why I was pulled to the side or why I was caught --
 22 what I got caught doing. I'm not sure. I don't recall
 23 off the top of my head.
 24 But I remember, what they do is they take
 25 your -- they take your backpack; they dump your backpack 01:38:35

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1 on a table, go through your books, make sure all that's
 2 clear.
 3 And then they take your shoes off, make you
 4 pull down your socks to your ankle. They check your shoe
 5 of course. And then they make you stand up with your 01:38:49
 6 hands in the air and then they start patting, patting,
 7 patting.
 8 And then they get to the pockets. They put
 9 their hands in your -- in your pockets. And while he was
 10 doing that, he kind of felt around my thigh, at first -- 01:39:02
 11 at first, around my thigh; and then, he went kind of to
 12 the V line.
 13 **Q. Right.**
 14 A. And at that point, I knew. I was, like -- I
 15 was, like, I'm being violated right now, and it's 01:39:17
 16 fucking -- it's weird. But, yeah, I remember him kind
 17 of, like, with his hand, like, in there like that. I
 18 don't know if you're seeing.
 19 But he went in, like -- he was in my pants
 20 like that and I remember him feeling around, like, 01:39:31
 21 feeling around my penis and my -- I don't know what you
 22 call them -- testicles.
 23 **Q. Sure.**
 24 A. Testicles. And that -- it lasted for,
 25 like -- I don't know -- five seconds, maybe. 01:39:43

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1 **Q. Okay. That's your best estimate of time,**
 2 **the actual --**
 3 A. Yeah, about five seconds.
 4 **Q. Excuse me. Let me finish. Let me finish.**
 5 **Let me finish. 01:39:58**
 6 **The actual feeling in your pocket where**
 7 **contact is made with his hand and either your penis and**
 8 **testicles was about five seconds. Is that what you**
 9 **recall?**
 10 A. Around five seconds. Maybe more. Like, I 01:40:12
 11 wasn't really timing it; so I wouldn't know. But, like,
 12 a good amount of time to where it's fuck -- it's weird
 13 and -- fuck. I don't know.
 14 **Q. And, again, was this the one where you**
 15 **stepped back and said, "Whoa, dude," or is that yet the 01:40:33**
 16 **other search?**
 17 A. I want to say that's the -- yeah. The
 18 "whoa, dude" one, I think that's the one where -- I think
 19 that's my second time. I mean, the first time I was
 20 searched. Yeah, I'm pretty sure that was the first time 01:40:44
 21 I was searched and touched inappropriately.
 22 **Q. Okay. Well, we're trying to go through**
 23 **these progressively. I thought we just did the first**
 24 **search where you got out of gym class and you said that**
 25 **he did not touch your -- 01:40:58**

17 (Pages 62 to 65)

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1 A. Okay. That one's over with. Right?

2 **Q. That's over with.**

3 A. Okay. So the second one, I believe I

4 said -- well, yes. I'm pretty sure I said, "Whoa" to --

5 I'm not too clear. But I remember saying, "Whoa, dude. 01:41:06

6 Whoa, dude," and taking a step back. And he's still in

7 my pockets.

8 **Q. Okay. Did they find anything during the**

9 **second search?**

10 A. No. I believe the only time I was caught 01:41:24

11 with anything was when I -- the third time I was caught

12 in the bathroom with something. But the second time, no,

13 nothing.

14 **Q. What was the infraction, to the best of your**

15 **memory, that you committed that led to the second search? 01:41:39**

16 A. I'm not sure, honestly. I'm not sure off

17 the top of my head.

18 **Q. Okay. So you don't know if it was something**

19 **that happened in the classroom or the hallway or --**

20 A. I'm not too -- too sure on it, honestly. I 01:41:52

21 remember the third time. I -- I -- I'm pretty positive I

22 remember the third time I was caught in the bathroom with

23 it and he actually got that.

24 But the second time, I'm not -- I'm not too

25 sure about what happened off the top of my head. 01:42:06

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1 **Q. Okay. And they didn't -- nothing was found**

2 **at the first search?**

3 A. The first search, I had a bottle of juice.

4 So my friend was with me as well. He got searched as

5 well. But I was filling up his little vape device or 01:42:26

6 whatever he had. So I got -- they took the juice, yeah.

7 They took the juice and then I got out-of-school

8 suspension.

9 **Q. Okay. Did you know it was prohibited to**

10 **have the juice? 01:42:41**

11 A. I knew. I knew. But, like I said, I was

12 immature.

13 **Q. Okay. So now we covered two of the**

14 **searches. Let's talk about the third time. What do you**

15 **remember about the third search? 01:42:55**

16 A. I want to say I was caught in the bathroom

17 with it and I was actually using the vape device. So I

18 was using the vape device from what I remember. And he

19 pulled me. He said, "Let's go to the office. You're

20 going to be searched." And I gave him the device because 01:43:09

21 I already knew it was -- that's that. It's over with.

22 And then he sat me down in the office for a

23 little while and I waited there. And then I -- the

24 principal called me in with my referral written down,

25 said that I'm going to -- I need to be searched to see if 01:43:26

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1 I have anything else on me.

2 And that's when George did his third search

3 on me. Same thing happened. I -- I got touched again.

4 They did the same -- I think -- actually this, the third

5 time, they made me face the wall. So they made me turn 01:43:45

6 and face the wall with my hands in the air and they

7 patted me down.

8 And he was in my pockets. And I was like

9 this and he was in my pockets like that. And that's when

10 he was -- I don't know what the word is -- groping or -- 01:43:57

11 **Q. Whatever term you feel comfortable with.**

12 A. I guess groping. I don't want to say,

13 like -- I don't know, rubbing on my penis. I guess it's

14 that as well. I don't know. Groping, we'll call it

15 groping. Same thing happened; groping around my 01:44:16

16 genitals, my -- my penis.

17 **Q. Did you tell Mr. Archuleta anything during**

18 **the third search?**

19 A. No, I never -- never spoke on it. It,

20 honestly, put me in, like, a -- I don't want to say 01:44:33

21 shock, but it put me in a place where I was just, like,

22 "I -- I hate school. I hate this. I hate going --

23 having to go through this. I can't wait. I just want to

24 go home. Screw this."

25 **Q. I mean, did you also ever have the thought 01:44:58**

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1 **process that maybe you should modify your behavior so you**

2 **wouldn't be called out to be searched?**

3 A. Yeah. Near the end of my freshman year,

4 that's kind of what I did, actually. I stopped bringing

5 that stuff to school so -- and that's really all -- 01:45:13

6 that's really all I'd get searched for, really, is that,

7 or being pulled -- like, being pulled out of class.

8 I don't think -- I think they would

9 actually -- sometimes they'd search me when I was pulled

10 out of class. But, other than that, like, yeah, I kind 01:45:27

11 of straightened up to not get searched.

12 **Q. Okay. To your knowledge or your best**

13 **estimate, how many students do you think there were at**

14 **V. Sue Cleveland High School when you attended there?**

15 A. I -- honestly, I'm not sure. Probably, 01:45:47

16 like, 8,000 maybe. 10,000.

17 **Q. And it could well be, and we'll check the**

18 **figures. But it's a pretty big student population,**

19 **wouldn't you agree?**

20 A. Yeah. Classrooms are full. 01:45:59

21 **Q. Do you know of any other students of this**

22 **8,000, perhaps 10,000, student population -- other than**

23 **you, Joseph Salazar, and Daniel Mondragon -- who happen**

24 **to have the same type lawsuit with the same law firm**

25 **having claims that Mr. Archuleta searched them 01:46:15**

18 (Pages 66 to 69)

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1 touch you inappropriately?

2 A. Yeah. That's number one. That's the

3 first -- yes. Yeah.

4 Q. Okay. Let me continue reading. "I called

5 Assistant Principal Rudy Galindo and I asked him to 04:33:00

6 report to the boy's locker room. As Mr. Galindo entered

7 the boy's locker room I informed him of the particulars."

8 Do you remember Mr. Galindo being in the

9 boys' locker room?

10 A. Yes, I remember that. 04:33:15

11 Q. Is that where the search took place?

12 A. Yes. Yes.

13 Q. Okay. Let me continue reading.

14 "Mr. Galindo asked us to search them and their backpacks

15 along with their lockers. I found an E-Cig on student 04:33:28

16 Laius Martinez."

17 Is that accurate?

18 A. I believe -- I'm not -- I might have had it

19 in my hand or something; but I had the juice, from what I

20 remember. 04:33:41

21 Q. Okay. Because later in the narrative it

22 says, "Phillip Ulibarri found a bottle of E-Cig juice in

23 student Blank's backpack. Nothing else was found or

24 confiscated on the student."

25 A. I -- 04:33:54

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1 Q. You don't remember -- hold on a second. You

2 don't remember if Andre was the one that was found with

3 the bottle of juice?

4 A. I believe not. I'm not --

5 Q. Go ahead. 04:34:14

6 A. I'm -- from what I remember, no; I had the

7 juice.

8 Q. All right. And then let me continue.

9 "Mr. Galindo gave both students a one(1) Day Out Of

10 School Suspension." Is that accurate? 04:34:29

11 A. Yeah, that sounds accurate.

12 Q. And then Mr. Archuleta wrote, "The E-Cig and

13 the Juice were tested and they tested negative for THC."

14 And again, I think you said the juice was

15 tobacco? 04:34:50

16 A. Tobacco, yeah.

17 Q. Okay. It was not related to marijuana or

18 any other -- containing THC?

19 A. No.

20 Q. Okay. And once again, for the record, you 04:34:59

21 don't take any issue -- or you're not complaining about

22 anything related to that search we just went over?

23 A. No. That was a clean search.

24 Q. Okay. So let's go to search number two.

25 And I was trying to write these things down in my notes 04:35:26

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1 as fast as I could. So I apologize --

2 A. No problem at all.

3 Q. -- repeat something that Mr. Walz asked you.

4 Okay. I didn't get a clear idea where search number two

5 took place. Was it in an office or a certain area? 04:35:40

6 A. It was in a principal's office.

7 Q. And when you say "a principal's office,"

8 does that mean possibly an assistant principal's office?

9 A. Yeah. Yes. That's -- yeah. So principal,

10 assistant principal. I'm pretty sure. I don't know 04:35:56

11 whose office it was, but it was, like, a -- there's,

12 like, a lot of chairs in there. Like it's like a -- like

13 a meeting table it seems like.

14 Q. And tell me everyone that was present in

15 that office. 04:36:11

16 A. Assistant principal, the -- George was

17 there, and then another security guard. There's always

18 two security guards.

19 Q. Was the assistant principal Mr. Galindo?

20 A. Yes. Yes. That's the short dude. I'm 04:36:23

21 pretty -- right? I'm pretty sure.

22 Q. I don't know. Was it your understanding

23 Mr. Galindo was the assistant principal assigned to the

24 freshmen that year?

25 A. Yeah, that's -- yes. Yes. 04:36:38

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1 Q. And then Mr. Archuleta was present. And

2 then you say a second security guard was present?

3 A. Yeah.

4 Q. And you don't recall now if that was an

5 individual named Phillip Ulibarri? 04:36:51

6 A. I don't know no names of the other security

7 guards.

8 Q. Do these guards like Mr. Archuleta wear any

9 kind of a badge with their name on it?

10 A. Not that I know of. Not that I can see. I 04:37:07

11 always remember a red shirt, a mic, and then a flashlight

12 or something. I never really saw a badge.

13 Q. And how did you gain an understanding of

14 finding out Mr. Archuleta's name?

15 A. I guess -- I don't know. Everybody knew of 04:37:29

16 him. They called him George.

17 Q. Can you describe -- can you describe

18 Mr. Archuleta, his physical stature and so forth?

19 A. He's a Chicano. He's not too tall; like,

20 stocky, I guess. I don't remember his eyes. Brown hair. 04:37:46

21 Kind of, like, red, I guess you could say, red, like,

22 face. He's definitely Chicano, though.

23 Q. Any facial hair?

24 A. He has a moustache if I'm -- if I remember

25 it. 04:38:01

30 (Pages 114 to 117)

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1 **Q. Okay. And approximately what age group?**
2 A. Probably in his 40s or, say, 50s, I'd say.
3 Maybe 50s, 60s.
4 **Q. All right. And to get back to search number**
5 **two, this is when we had that -- the "Whoa, dude" 04:38:15**
6 **comment?**
7 A. Oh, the "Whoa, dude"? The "Whoa"? Yeah.
8 Yes. Oh, sorry, dude. Did you not hear that one?
9 **Q. I said, "Whoa, dude," Mr. Martinez.**
10 **And then this second search you're saying 04:38:43**
11 **Mr. Archuleta felt your penis and testicles for about**
12 **five seconds?**
13 A. Yeah. He was in my -- yep. Yes, sir.
14 **Q. And other than you saying, "whoa, dude," did**
15 **you otherwise verbalize any complaint about that? 04:39:01**
16 A. No.
17 **Q. Why not?**
18 A. I honestly thought that they were, like, big
19 in that administration, that no one would believe me.
20 Like, I -- 04:39:16
21 **Q. Not even Mr. Galindo?**
22 A. No, not even Mr. Galindo.
23 **Q. Even though he was in the same room?**
24 A. He was in the same room, but he was against
25 me at that time. 04:39:26

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1 **Q. Did Mr. Galindo direct Mr. Archuleta to**
2 **search you on that occasion?**
3 A. Yes. I believe he directs every search
4 occasion.
5 **Q. And was Mr. Galindo observing the -- you 04:39:38**
6 **being searched by Mr. Archuleta?**
7 A. Honestly, I'm not too sure on that. I
8 wasn't really focused on him. But I'm pretty sure he
9 was, like, writing my referral while I was being
10 searched. 04:39:55
11 **Q. Did the other security guard observe you**
12 **being searched by Mr. Archuleta on that occasion?**
13 A. I want to say yes. But I --
14 **Q. Did the others?**
15 A. Go ahead. Go ahead. 04:40:09
16 **Q. No, go ahead.**
17 **Did the other security guard search your**
18 **person at all on this occasion?**
19 A. No. I was never, like, body searched by
20 security. They might have went through my backpack, 04:40:22
21 like, dumped my backpack out, went through the books.
22 But they never touched me.
23 **Q. Was any contraband, any things that are**
24 **forbidden at school, found on your person or your**
25 **backpack on search number two? 04:40:38**

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1 A. No. At search number two, no, I believe
2 not.
3 **Q. Did you walk to the office for search number**
4 **two, in the first place?**
5 A. Dude, I don't know why -- I really can't -- 04:40:53
6 off the top of my head, I don't recall.
7 **Q. Were you taken out of a classroom and taken**
8 **there for the search?**
9 A. I don't know how it popped up that I was
10 getting searched for my second -- for the second 04:41:06
11 scenario.
12 **Q. These searches you identified to Mr. Walz**
13 **earlier, all of those were during your freshman year?**
14 A. Freshman. That's the only year I think I
15 got searched. 04:41:25
16 **Q. Okay. Let's go to search number three. So**
17 **I wrote in my notes this was in the bathroom?**
18 A. Search number three?
19 **Q. Yes.**
20 A. No, it wasn't in the bathroom. 04:41:36
21 **Q. Okay. Where did that search take place?**
22 A. The office as well.
23 **Q. I see. The same office as search number**
24 **two?**
25 A. Yeah. Yeah, I want to say it's the same. 04:41:48

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1 Yes. Yes. But I got caught with contra -- oh. Want me
2 to tell you?
3 **Q. This is with the vape device?**
4 A. Yes. Okay. So I got caught with the vape
5 device in the bathroom. And then he grabbed -- he took 04:42:07
6 it, put it away. And then eventually he took me to the
7 office and searched me in the office.
8 **Q. Okay. Let's back up a little bit. When**
9 **Mr. Archuleta discovered you in the bathroom, you were**
10 **using the vape device? 04:42:24**
11 A. Yes.
12 **Q. Were you alone or were there other students**
13 **with you?**
14 A. I believe I was alone.
15 **Q. Was Mr. Archuleta accompanied by a second 04:42:34**
16 **security guard?**
17 A. I don't recall on that one. I don't believe
18 so.
19 **Q. And then Mr. Archuleta escorted you to the**
20 **office? 04:42:49**
21 A. Yes.
22 **Q. Anything inappropriate happen between the**
23 **time he discovered you in the bathroom and to the time**
24 **you got to the office?**
25 A. No. 04:43:01

31 (Pages 118 to 121)

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1 **Q. And then you testified earlier the principal**
2 **or assistant principal directed the search in the office?**
3 A. Yes.
4 **Q. Was that Mr. Galindo, as best you recall?**
5 A. I want -- yeah, probably. Because I was a 04:43:14
6 freshman so...
7 **Q. You're not that sure?**
8 A. I'm not that -- I -- yeah. I want to say
9 it's Galindo because he was, like, really the only one
10 that's ever addressed me. 04:43:29
11 **Q. And other than you, Mr. Archuleta, and**
12 **Mr. Galindo in this office for search number three,**
13 **anyone else present?**
14 A. I don't think so, no.
15 **Q. Okay. There was not a second security guard 04:43:42**
16 **there?**
17 A. It's -- this one I'm not too sure on. There
18 might have been. There might have been.
19 **Q. Okay. And then search number three, you**
20 **testified earlier Mr. Archuleta groped you? 04:43:58**
21 A. Yes, sir.
22 **Q. Can you elaborate what that means?**
23 A. So, like, he -- he, like, goes in your
24 pockets I guess you can say. **And he's in your pockets,**
25 **searching around your pockets. Then he goes to, like,** 04:44:15

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1 **the V-line, which is, like, close to my -- my testicles.**
2 And around there he, like, starts to, like,
3 cup in and actually, like, grab my testicles and my -- my
4 penis at, like, the same time. And, like, he would,
5 like, feel it for a little bit, like, a little while. 04:44:36
6 And that -- that was really that. And I
7 just -- I remember just pausing and kind of -- it's,
8 like, it flashed before my eye in a way. Like, it -- I
9 don't know how to explain it. But that's how the --
10 that's how the search kind of was. 04:44:54
11 **Q. And this was in front of Mr. Galindo?**
12 A. I believe so, yes. Yes.
13 **Q. During search number three when you were**
14 **being groped by Mr. Archuleta, did you ever verbalize**
15 **anything? 04:45:11**
16 A. I didn't say anything, no. But that -- this
17 is the search when I was faced against the wall, I
18 believe, the third search.
19 **Q. Okay. Why didn't you say anything when**
20 **Mr. Archuleta was groping you as you've described? 04:45:22**
21 A. Like I said, like, it literally put me in,
22 like, a -- just shocked. Not only that, the principal's
23 already against me at the time. He's authority. I
24 didn't think that I stand a chance against the school.
25 **Q. Okay. And would you agree with me that for 04:45:47**

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1 **all three searches Mr. Archuleta conducted of you, as**
2 **you've testified, he was directed to search you by**
3 **administration on all three occasions?**
4 A. Yes. I'm -- I believe so, yeah. He was --
5 the principal's was, like -- kind of enforced the search. 04:46:03
6 **Q. Other than the vape pen that you were using**
7 **in the bathroom on search number three, was any other**
8 **contraband found on you during the search?**
9 A. I believe not, no. No. No, I've never
10 been. 04:46:20
11 **Q. Were you disciplined for having this vape**
12 **pen?**
13 A. Yeah. I think I got OSS this time. I think
14 it was like a four-day OSS or something like that.
15 **Q. Okay. And was this the second time you 04:46:34**
16 **received an OSS during your freshman year?**
17 A. Yeah. I believe so. Yes. That's probably
18 the only time -- the second time, anyway.
19 **Q. Okay. After search number three that we've**
20 **been talking about, did you tell your mom about it in the 04:46:57**
21 **days or weeks or months afterwards?**
22 A. I believe, yes, I told her about it.
23 Because me and Daniel started talking about it, and
24 his -- like, I didn't -- I didn't know for sure. Like, I
25 was kind of confused. 04:47:14

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1 But Daniel told me he did -- the same thing
2 happened to Daniel. So we brought it up to Mark. And
3 then once Mark kind of was, like, "That is not right.
4 Like, you guys should not go through that. It's school,"
5 you know what I mean? 04:47:27
6 That's when I brought it back up to my mom
7 and told her, like, "This is serious, Mom. Like, there's
8 other kids too." And that's -- so that, yeah, I want to
9 say it was, like, a while after the third search.
10 **Q. Okay. And then at some point you told your 04:47:41**
11 **mom also about not just about search number three but**
12 **also search number two?**
13 A. Yes.
14 **Q. Did your mom ever call the police?**
15 A. No. 04:47:54
16 **Q. Do you know why not?**
17 A. I'm not -- no, I don't know why not.
18 **Q. Did you ever call the police?**
19 A. No.
20 **Q. Why not? 04:48:05**
21 A. I didn't even think about that, honestly.
22 But I'm not the -- I'm not really a cop caller.
23 **Q. What does that mean?**
24 A. I -- I don't know. I don't -- I just don't.
25 I don't know. I don't call the cops. 04:48:21

32 (Pages 122 to 125)